

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
CLARENCE L. BARKER,)
)
Defendant.)

8:06CR293

ORDER

CLARENCE L. BARKER,

Defendant.

This matter is before the court on the motion for a cancellation of a plea hearing and an extension of time to file pretrial motions by defendant Clarence L. Barker (Barker) (Filing No. 21). Barker seeks additional time in which to file pretrial motions in accordance with the progression order (Filing No. 7). Barker's counsel represents that Barker will file an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Barker's motion to cancel the plea hearing scheduled for February 14, 2007 (Filing No. 21) is granted.

2. Defendant Barker's motion for an extension of time (Filing No. 21) is granted. Barker is given until **on or before March 2, 2007**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **February 9, 2007 and March 2, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 9th day of February, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge